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EXAMINER

LONSBERRY, HUNTER B

ART UNIT PAPER NUMBER

2611

DATE MAILED: 12/27/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/706,055

Applicant(s)

WATSON, SCOTT

Examiner

Hunter B. Lonsberry

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 September 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-29 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-29 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Objections

1. Claim 28 is objected to because of the following informalities: Claim 28 is not a complete sentence, on line 3 of the claim there is an "and" after the semicolon and no closing punctuation nor any claim limitation after the "and". The Examiner has examined claim 28 as though the semicolon after the second display unit was a period.

Appropriate correction is required.

Response to Arguments

2. Applicant's arguments filed 9/30/05 have been fully considered but they are not persuasive.

Applicant argues that the URLs are not code fragments, and that the code fragments disclosed in applicants specification do not contain URLs, and require an executable instruction which instructs a processor to perform a task. Applicants argues that a URL is a pointer, or address which isn't an instruction (amendment page 8-9)

Regarding applicant's argument, Ullman discloses the use of URLs. URLs, as shown in a related embodiment in figure 7 follow the following format
<protocol>:location of content. The protocols used for web based content may be HTTP for Hypertext Transport Protocol, FTP, for file transfer protocol, etc. As Ullman shows that the URLs do include an HTTP prefix, the code fragment is an executable instruction

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as the URL instructs the browser and CPU as to which protocol is to be utilized in order to retrieve the proper content.

Further As the URL instruction (providing the identification of related content) is related to the content of the video presentation and provides in-depth information related to the video content, Ullman does teach the use of a code fragment including at least one instruction correlated to the content of the audio and video broadcast signal as required by claim 1.

Additionally, claim 1 requires having a screen displayed which is updated based upon the interpreted instruction of the code fragment. Ullman discloses that once the URL is received at the computer, client software interprets the URL, and retrieves the webpage which may include a time stamp that indicates when the content is to be displayed (column 7, line 65-column 8, line 30). Thus the display is updated based upon the interpreted instruction, and not the instruction itself, as required by claim 1.

Applicant's failure to traverse the official notice taken in the previous action is taken as admission of prior art.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the

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applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1, 2, 5-7, 9-12, 21-24 and 26-20 are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent 6,018,768 to Ullman.

Regarding claim 1, Ullman discloses an enhanced broadcasting system for presenting audio or video broadcasts and related enhancements (figure 4), the system comprising:

- a receiver for receiving an audio and video broadcast signal (column 9, lines 11-13);

- a first display unit 114, connected to the receiver, for displaying content of the audio and video broadcast signal (column 9, lines 5-8);

- a code fragment including at least one instruction correlated to the content of the audio and video broadcast signal (column 8, lines 22-30, the instruction, URL, instructs the computer to retrieve a URL which is correlated to the onscreen video content, the first part of the URL instructs the browser what protocol to utilize)

- a computer 16 configured for receiving a code fragment (column 6, lines 56-65) ;

- the computer executing software (software 106 and Java enabled browser 98) for interpreting the instruction of the code fragment and correlating the code fragment to the audio and video broadcast signal with respect to time (column 7, lines 35-53).

a second display unit 18 (figure 1), connected to the computer which is updated based upon the interpreted code fragment (column 7, lines 46-53, figure 3, the webpage is retrieved and displayed according to time codes stored within the webpage).

Regarding claim 2, Ullman discloses that the webpages are time stamped for display (column 8, lines 22-27). Ullman inherently utilizes an application clock on the computer, which is synchronized to a house clock, because the clocks must be synchronized in order to properly display the time stamped webpages.

Regarding claims 5 and 26, Ullman discloses that the code fragment is delivered via Internet 20 (column 7, lines 45-53).

Regarding claims 6 and 27, Ullman discloses that the communications network is the Internet 20 (column 7, lines 37-41)

Regarding claim 7, Ullman discloses an enhancement for the content of an audio and video broadcast, the enhancement comprising:

a code fragment including at least one instruction correlated to the content of the audio and video broadcast and a time stamp such that updating of a screen displayed is based upon interpretation of the instruction of the code fragment and is chronologically synchronized to receipt of the broadcast (column 7, lines 34-53, column 8, lines 7-30, , the instruction, URL, instructs the computer to retrieve a URL which is

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correlated to the onscreen video content, figure 3, the URL is interpreted which results in retrieving a webpage that includes a timestamp).

Regarding claim 9, Ullman discloses a method for providing enhanced television broadcasting, the method comprising:

selecting a common time for a synchronized presentation of an audio and video signal and a related enhancement (column 6, lines 7-49), the related enhancement including an instruction (column 7, lines 45-column 8, line 14, client software 106 in conjunction with a java enabled browser interprets each URL and then fetches the corresponding content, further each URL is an instruction as it informs the browser which protocol to utilize to retrieve the content, HTTP, FTP etc) ;

broadcasting the audio and video signal for receipt by a broadcast receiver (column 9, lines 7-13);

sending the related enhancement from a computer server over a network for receipt by a client computer (column 9, lines 7-16;

displaying the audio and video signal on a first display screen 114 at the common time (column 9, lines 5-21);

interpreting at least one instruction included with the related enhancement (the first part of the URL instructs the browser which protocol to utilize in order to fetch the content), which instruction is correlated to the content of the audio and video signal (column 7, lines 34-53, column 8, lines 7-30, column 9, lines 17-18 , the instruction, URL, instructs the computer to retrieve a URL which is correlated to the onscreen video

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content, figure 3, the URL is interpreted which results in retrieving a webpage that includes a timestamp); and

displaying a screen display which is updated based upon the interpreted instruction on a second display screen 18 at the common time (column 8, lines 7-30, column 9, lines 5-21, URL is interpreted which results in retrieving a webpage that includes a timestamp).

Regarding claims 10 and 11, Ullman discloses that the related enhancement is a code fragment, which includes a timestamp (column 6, lines 37-49, the first portion of the URL instructs the browser of which protocol to utilize).

Regarding claim 12, Ullman discloses a first display unit 114, connected to the receiver, for displaying content of the audio and video broadcast signal (column 9, lines 5-8), a second display unit 18 (figure 1), connected to the computer.

Regarding claims 21-22, Ullman discloses the use of authoring software to generate the code fragment instructions which are correlated to the content of the audio and video broadcast signal, and may be generated during a live event (column 10, lines 33-50).

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Regarding claim 23, Ullman discloses that URLs may be transmitted via the Internet via client software 106 (column 7, lines 13-30, 57-63) from a server 90 (column 6, lines 56-65).

Regarding claim 24, Ullman discloses an enhanced broadcasting system for presenting audio or video broadcasts and related enhancements (figure 4), the system comprising:

- a receiver for receiving an audio and video broadcast signal (column 9, lines 11-13);

- a first display unit 114, connected to the receiver, for displaying content of the audio and video broadcast signal (column 9, lines 5-8);

- a computer 16 configured for receiving a code fragment (column 6, lines 56-65) and execute at least one instruction in code fragment, the code fragment correlated to the content of the audio and video broadcast signal (column 8, lines 22-30, the instruction, URL, instructs the computer to retrieve a URL which is correlated to the onscreen video content, the first part of the URL instructs the browser what protocol to utilize)

- a second display unit 18 (figure 1), connected to the computer which is updated based upon the interpreted code fragment (column 7, lines 46-53, figure 3, the webpage is retrieved and displayed according to time codes stored within the webpage).

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Regarding claim 28, Ullman discloses that a user utilizes a second display unit (PC 16) to view the webpages (column 8, lines 22-56). Ullman's inherently includes an input device to receive an input from the user, as Ullman discloses that the user may utilize a control panel displayed on screen to go back and retrieve particularly informative or interesting webpages (column 8, lines 27-40) and an input device is required in order to translate a users physical actions into computer readable input.

Regarding claim 29, Ullman discloses that a user may browse a broadcasters website, scroll to an interesting story, click on a hyperlink and tune to the broadcasters television channel to view the second broadcasting signal (column 9, lines 4-28).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 4, 8 and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 6,018,768 to Ullman.

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Regarding claims 4, 8, and 25, Ullman discloses the use of a Java enabled browser 98 (column 7, lines 44-53) which utilizes code fragments which have been transmitted to the user (URLs).

Ullman does not disclose the use of JavaScript code fragment.

The examiner takes official notice that utilizing JavaScript applets are notoriously well known in the art. JavaScript is used to create interactive webpages and interacts with HTML source code, enabling Web authors to spice up their sites with dynamic content.

Therefore it would have been obvious to one skilled in the art at the time of invention to modify Ullman to utilize JavaScript to create more interactive and atheistically pleasing web content.

5. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 6,018,768 to Ullman in view of U.S. Patent 6,173,317 to Chaddha.

Regarding claim 3, Ullman discloses the use of a JAVA enabled browser 98 (column 7, lines 44-53).

Ullman does not disclose that the software application is an applet.

Chaddha discloses a system in which supplemental content synchronized to a video stream and includes applets that enhance the content (figures 6, 8a, 9, column 7, line 60-column 8, line 13).

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Therefore, it would have been obvious to one skilled in the art at the time of invention to modify Ullman to utilize the applets of Chaddha, thus enabling a content author to further customize transmitted web data via applets.

6. Claims 13-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 6,018,768 to Ullman in view of U.S. Patent 6,340,159 to Giangrante.

Regarding claim 13, Ullman discloses receiving an input from the user of client computer and utilizing software to analyze it (column 8, 33-40).

Ullman fails to disclose assigning points to the user according to their analyzed input such that the user accumulates an earned score.

Giangrante discloses an interactive game show, in which user may play the game at home on a PC (column 6, lines 29-38, column 9, lines 1-20) while simultaneously receiving the game show on their TV, users attempt to answer clues, their inputs are then analyzed (column 9, lines 7-15), and they accumulate a score (column 7, lines 10-64).

Therefore, it would have been obvious to one skilled in the art at the time of invention to modify Ullman to enable a user to play a game by assigning points by analyzing user inputs and accumulating a score, as taught by Giangrante, thus increasing viewer ship by enabling viewers to interact with the game that they have a stake in.

Regarding claim 14, the combination of Ullman and Giangrante discloses a video game synced with a TV broadcast in which a user may earn points.

Ullman and Giangrante do not disclose delivering to a particular user earned scores of each of a plurality of users, organizing the delivered scores according to their values and displaying the organized earned scores by a particular user.

The examiner takes official notice that delivering scores ranked by value for display to a user is notoriously well known in the art. Displaying ranked scores to a user allows a user to easily tell who is winning and losing a game.

Therefore, it would have been obvious to one skilled in the art at the time of invention to modify the combination of Ullman and Giangrante to deliver to a particular user ranked scores of a plurality of users for display, thus enabling the user to readily recognize their own progress in the game and compare it to the scores of others.

Regarding claim 15, Ullman and Giangrante disclose a video game synced with a TV broadcast in which a user may earn points.

Ullman and Giangrante do not disclose enabling a user to select a plurality of users and displaying their scores.

The examiner takes official notice that enabling a user to select a group of users and having their scores displayed is notoriously well known in the art. For example, the Gamespy software client (<http://www.gamespy3d.com/using/smart.shtml>) displays a number of ongoing games, a user may view a list of games, and select a game, the

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player ID's and their scores are then displayed to the requesting user, enabling a user to choose a game based on how proficient their opponents are.

Therefore it would have been obvious to one skilled in the art at the time of invention to modify the combination of Ullman and Giangrante to enable a user to select a group of users and displaying their scores, thus enabling to choose a game based on how skilled the opponents would be.

Regarding claim 16, Ullman and Giangrante disclose a video game synced with a TV broadcast in which a user may earn points.

Ullman and Giangrante do not disclose delivering a plurality of scores to a user in response to the user joining a group.

The examiner takes official notice that delivering the scores of other players to a newly joined player is notoriously well known in the art. For example, in the networked online game "Quake" a user may join a game in progress at any time, upon joining scores and XYZ coordinates of the other players are delivered to a user, and a user may then press a key in order to display the scores of other players at a time of their choosing (<http://www.neoreality.com/crew/stuff/pic-action-quake2.htm>).

Therefore, it would have been obvious to one skilled in the art at the time of invention to modify the combination of Ullman and Giangrante to deliver to a particular user ranked scores of a plurality of users upon joining, thus enabling the user to readily recognize their own progress in the game and compare it to the scores of others.

Regarding claims 17-20, Ullman and Giangrante disclose a video game synced with a TV broadcast in which a user may earn points.

Ullman and Giangrante do not disclose the use of a group name and password, which are stored on a server, and may be provided to a server by a requesting user who wants access to a game, and then providing the scores to the requesting user in a ranked fashion.

The examiner takes official notice that utilizing a login and password for access to an online game, and then transmitting ranked scores to a user is notoriously well known in the art (for example, Microsoft's <http://www.zone.com>). Utilizing login information and passwords enables games to be restricted to a selected group of users, thus preventing unwanted users from playing a game, and transmitting ranked scores on a leaderboard (<http://www.neoreality.com/crew/stuff/pic-action-quake2.htm>) enables a user to easily compare their own scores to the scores of others.

Therefore it would have been obvious to one skilled in the art at the time of invention to modify the combination of Ullman and Giangrante, to utilize a group name and password which is stored on a server, comparing them to group name and password information provided by a user desiring to join a game, and if they match then enabling a user to join the game and transmitting ranked stores, thus preventing unwanted users from playing a game, and transmitting ranked scores on a leaderboard enables a user to easily compare their own scores to the scores of others.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hunter B. Lonsberry whose telephone number is 571-272-7298. The examiner can normally be reached on Monday-Friday during normal business hours.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher Grant can be reached on 571-272-7294. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

HBL

